

## UNITED STATES DEPARTMENT OF COMMERCE **United States Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATT	ATTORNEY DOCKET NO.	
09/492.	210 01/27	7/00	ANGELOPOULOS	М	IBM-188	
-			MM92/0611	EXA	MINER	
Thomas A Beck 26 Rockledge Lane				ROCCHEGIANI,R		
				ART UNIT	PAPER NUMBER	
New Mil	ford CT 067	/76		2825	06/11/0	

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

Office Action Summary    Ga/492,210									
Examiner Renzo N. Rocchegiani  - The MALLING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the profession of 3 CFR 1.136 (d). In no event, however, may a reply be timely filled  If the period for reply appendies above is less than hirthy (30) days, a reply whith the statutory winterum of thishy (30) days will be considered timely.  If the period for reply appendies above is less than hirthy (30) days, a reply whith the statutory winterum of thishy (30) days will be considered timely.  If the period for reply appendies above is less than hirthy (30) days, a reply whith the statutory winterum of thishy (30) days will be considered timely.  If the period for reply appendies above is less than hirthy period will apply with the statutory winterum of thishy (30) days will be considered timely.  If the period for reply appendies appears to the statutory winterum of thishy (30) days will be considered timely.  If the period for reply appendies apply with the statutory winterum of thishy (30) days will be considered timely.  If the period for reply appendies apply with the statutory winterum of thishy (30) days will be considered timely.  If the period for reply apply with the statutory winterum of thishy (30) days will be considered timely.  If the period for reply apply with the statutory winterum of thishy (30) days will be considered timely.  If the period for reply apply with the statutory winterum of thishy (30) days will be considered timely.  This action is period to period timely will apply with the statutory will apply will be considered timely.  If the period for reply apply with the statutory will apply will be statutory will apply will be statutory will apply will be considered timely.  This action is print apply will be statutory will apply will be statutory will apply will be statutory will ap		Application No.	Apply ht(s)						
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Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  E-barenion of time may be available under the previous of 3 CFR 1.13 (so.) in no event, however, may a reply be timely filed after 6tX (9) MONTHS from the mailing date of this communication, reply within the activatory minimum of thish (3) days will be considered timely.  I this period can may be previously and in the previous in less than thirty, reply within the statistory minimum of thish (3) days will be considered timely.  I this period will be not or extended period for reply will, by statistic, causes the application to become APAMONED (3) U.S. C. § 113).  Any reply excelled by this Cifical exten the time there are moists after the mailing date of this communication, even if timely fitted, may reduce any standard patent term adjustment. See 37 CFR 1.764(p).  Status  1) See Responsive to communication(s) filed on 27 January 2000.  2a) This action is FINAL.  2b) This action is FINAL.  2b) This action is final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1:2Z is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are objected to by the Examiner.  10) The drawing(s) filed on is/are objected to by the Examiner.  11) The proposed drawing correction filed on is: a) approved b) disapproved.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3) Some **Claim** of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached declared Office action for a list of the certified c	Office Action Summary	Examiner	Art Unit						
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Application/Control Number: 09/492,210

Art Unit: 2825

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-5 and 20-27, drawn to a device, classified in class 713, subclass
     194.
  - II. Claims 6-19, drawn to a method of forming a device, classified in class438, subclass 362.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product may be formed with a different process such as, the polymer material may be deposited in a number of different ways, the patterning process may also vary.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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5. A telephone call was made to Mr. Beck on June 1, 2001 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renzo Rocchegiani whose telephone number is (703) 308-5839. The examiner can normally be reached on Monday through Friday from 8:30 am. to 4:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith, can be reached at (703) 308-1323. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432.

RNR

June 4, 2001

MATTHEW SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800